MONTANA LEGISLATIVE HISTORY

Chapter 40 19 67

Bill H _____ S 27 Original bill & history ____C

H. Committee on Labor & Compensation			S. Committee on Commerce & Labor		
Hearing Date(s)	Feb 06	✓ C	Hearing Date(s)	Jan 18th	✓ C
		____C		Jan 21	✓ C
		____C			____C
		____C			____C
Date Out		____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

MINUTES OF MEETING OF THE
COMMERCE AND LABOR COMMITTEE
STATE SENATE

January 18,1967

A meeting of the Commerce and Labor Committee was called to order by Chairman Siderius, January 18, 1967, at 9:00 a.m. in Room 411 of the State Capitol Building.

Roll Call: All members present.

CONSIDERATION OF SENATE BILL NO. 27. Mr. John "Si" Emmons, Commissioner of Labor for the State of Montana was invited in to explain the bill. There were five (5) proponents of the bill in addition to Mr. Emmons. They were:

James Umber, AFL-CIO, Helena, Montana
Joe Rossman, Montana Joint Council of Teamsters.
Ernest Post, United Steelworkers of America
Richard McCreanor, Montana State District Council of Laborers.
James Murry, Montana State AFL-CIO.

DISCUSSION BY Committee members and Mr. Emmons.

Mr. Emmons and the other proponents were excused and a further discussion was followed by committee members. Senator McKeon appeared before the Committee in support of the bill.

MOVED BY SENATOR DZIVI to put SB No. 27 in a sub-committee. SECONDED BY SENATOR HILLING. Senator Siderius appointed Senator Tracy, Senator Hilling, and Senator Dzivi to a sub-committee for further study of SB 27.

CONSIDERATION OF SENATE BILL NO. 26. Senator McKeon, Deer Lodge, was asked to explain the bill. Time was extended to the sub-committee for their report.

MOVED BY SENATOR SIDERIUS to have SB 30 put back to the committee. SECONDED BY TRACY.

SENATOR LEHRKIND MOVED to adjourn. SECONDED BY TRACY.

ADJOURNMENT.

Senator George Siderius, Chairman

MINUTES OF MEETING OF THE
COMMERCE AND LABOR COMMITTEE
STATE SENATE

January 21, 1967

A meeting of the Commerce and Labor Committee was called to order by Chairman Siderius, January 21, 1967, at 3:00 p.m. in Room 411 of the State Capitol Building.

Roll Call. All members present.

SUB-COMMITTEE REPORT ON S.B. 27. SENATOR DZIVI of the Sub-Committee read and explained the amended S.B. 27. DISCUSSION followed. SENATOR DZIVI MOVED that S.B. 27 DO PASS AS AMENDED by the Sub-Committee. SENATOR TRACY SECONDED. CARRIED.

SENATOR LEHRKIND MOVED to adjourn. SECONDED BY HIBBARD.

ADJOURNMENT.

SENATOR GEORGE SIDERIUS, CHAIRMAN

February 6, 1967

The Labor and Compensation Committee met on recess in Room 427B on Monday, February 6, 1967, with 13 members present and 4 excused.

Senate Bill 27 was the first bill to be heard. The following proponents were present:

Mr. John Emmons, Commissioner of Labor and Industry for the State of Montana. His statement is attached.

Mr. Richard McCreanor, Montana State District Council of Labor, also in support of S.B. 27.

Mr. R. T. Rampy, Teamster's Union, rose in support of this bill.

Mr. James W. Murry, Montana State AFL-CIO, in support of S.B. 27. He stated that many people are unable to collect their wages and are then placed on relief.

Mr. John D. Munn, Retail Clerks Union, in favor of S.B. 27.

Mr. John Willard, Montana Railroad Association, asking that the committee give consideration to a proposed amendment (a copy of which is attached). Mr. Emmons stated that this amendment was acceptable to him.

There being no further proponents on this bill and no opponents, a short question and answer period followed. Mr. Leuthold asked Mr. Emmons just what authority this would give him, as Commissioner of Labor and Industry. Mr. Emmons said that it gives him authority to bring an employer to court in a civil action when the employer does not pay the wages due an employee. At present, he only has the authority to bring them to court on a misdemeanor.

Witnesses were dismissed at 1:05 P.M.

Discussion was continued on S.B. 27 by the committee members. Mr. Lombardi stated that the amendment should be considered. He then made a motion that the amendment be adopted. Mr. Casey seconded the motion. Motion carried. Mr. Lombardi made a motion that S.B. 27, as amended, be concurred in. Motion carried.

A report was given by Mr. Casey, chairman of the subcommittee for H.B. 427. Mr. Casey stated that the subcommittee didn't think action should be taken today on this bill. Mr. Slaby had talked to the Unemployment Compensation Commission and Mr. Casey had talked to Mr. Swanberg at the Industrial Accident Board. The end result was that there is no recommendation until Mr. Gilligan is present to explain further the purpose of this bill. Mr. Casey made a motion that the committee pass consideration of this bill until Mr. Gilligan is present. Motion carried.

Mr. East opened discussion on H.B. 43. The bill has been rewritten to amend several sections (copy of this amendment is attached). Mr. Murphy made a motion that the committee amend the bill and, AS AMENDED, DO PASS. Mr. Spilde seconded the motion. Motion carried.

Meeting was adjourned at 1:30 P.M.

M. East

MR. CHAIRMAN AND MEMBERS OF COMMITTEE:

MY NAME IS JOHN EMMONS, I AM THE COMMISSIONER OF LABOR AND INDUSTRY FOR THE STATE OF MONTANA.

I WISH TO SPEAK IN BEHALF OF SENATE BILL 27, AN ACT AMENDING SECTIONS 41-1302 and 41-1303 OF REVISED CODES OF 1947, RELATING TO TIME FOR PAYMENT OF WAGES AUTHORIZING SAID COMMISSIONER TO ACCEPT ASSIGNMENTS OF WAGE CLAIMS, AND INSTITUTE PROCEEDINGS TO ENFORCE SUCH CLAIMS.

MR. CHAIRMAN:

THERE EXISTS TODAY, EMPLOYERS, WHO LIE, CHEAT AND DO EVERYTHING WITHIN THEIR POWER, TO DEFRAUD THE EMPLOYEES OF THEIR WAGES.

DURING THE SHORT TIME I HAVE BEEN COMMISSIONER OF LABOR, NUMERIOUS COMPLAINTS HAVE BEEN RECEIVED FROM WORKMEN THROUGH OUT THE STATE, WHO HAVE APPLIED FOR ASSISTANCE IN THE COLLECTION OF PAST DUE WAGES.

THE LAW CLEARLY STATES, WHEN WAGES SHOULD BE PAID, BUT SINCE THE LEGISLATURE HAS NOT GIVEN THE COMMISSIONER OF LABOR AUTHORITY TO ENFORCE THE LAW, A GREAT NUMBER OF THESE CASES HAVE BEEN DROPPED, DUE TO THE FACT THE WAGE EARNER DOES NOT POSSESS THE FUNDS TO RETAIN AN ATTORNEY, AND FILE A CIVIL SUIT.

BECAUSE OF THIS LACK OF AUTHORITY, IT HAS HAPPENED THAT THE COMPLAINANT HAS NOT BEEN SATISFIED WITH THE EFFORTS OF THE COMMISSIONER, AND HAS GONE AWAY FEELING THAT HE OR SHE HAS NOT BEEN GIVEN A FAIR DEAL, AND THE STATE OF MONTANA HAS DISCRIMINATED AGAINST THEM.

THE PRESENT LAW DOES GIVE THE COMMISSIONER AUTHORITY TO ADMINISTER OATHS, TO EXAMINE WITNESSES UNDER OATH, AND TO SUMMON WITNESSES FOR HEARINGS. ALL WAGE CLAIMS COULD BE SETTLED BY THESE HEARINGS, BUT THE COST TO THE STATE WOULD BE TOO GREAT, AND UNDER THE PRESENT BUDGET OF THE DEPARTMENT OF LABOR, THIS PROCEDURE IS IMPOSSIBLE.

SENATE BILL [redacted]. 27 IS A COPY OF WAGE PAYMENT LAW NOW IN EFFECT IN THE STATE OF CALIFORNIA. THE COMMISSIONER OF LABOR FOR THE STATE OF CALIFORNIA REPORTS THAT 87% OF THE WAGE CLAIMS FILED IN HIS STATE ARE COLLECTIBLE UNDER THIS TYPE OF LAW.

LET'S TAKE A LOOK AT THE RESULTS IN THE STATE OF MONTANA UNDER OUR LAW, IN A PERIOD FROM, JANUARY 1, 1960 to NOVEMBER 30, 1966.

1081 WAGE CLAIMS WERE FILED.

AMOUNTS OF WAGE CLAIMS $324,195.24

AMOUNTS COLLECTED BY COMMISSIONER $60,675.92

UNCOLLECTED AMOUNTS $263,519.92

PERCENTAGE COLLECTED UNDER MONTANA LAW 17% COMPARED TO CALIFORNIA'S 87%.

WHEN EVER A WAGE EARNER IS DENIED HIS WAGES BY HIS EMPLOYER, NINETY PERCENT OF THE TIME HE BECOMES A BURDEN ON THE TAX PAYERS OF THE STATE OF MONTANA, AND HE OR SHE HAS NO OTHER RECOURSE THEN TO APPLY FOR WELFARE ASSISTANCE.

GENTLEMEN, I RESPECTFULLY SOLICIT YOUR SUPPORT IN THE PASSAGE OF SENATE BILL [redacted]. 27. I THANK YOU.

NO. OF CLAIMS FILED	AMOUNTS OF CLAIMS	CLAIMS PAID
1960-------- -194	$60,152.71	$16,116.63
1961-------- 128	39,036.40	5,265.12
1962-------- 121	29,637.26	11,,919.24
1963-------- 114	48,244.43	5,709.48
1964-------- 147	39,285.00	4,913.00
1965-------- 127	45,962.68	3,773.68
1966-------- 250	61,880.76	10,973.77
TOTALS 1081 CLAIMS,	$324,195.76	$60,675.92

thirty-six (36) of any township and to any other sections of state lands, provided that the state of Montana shall in lieu of the rights so waived and relinquished receive from the United States other lands of equal or greater value.

Exchange of lands with counties.

The state board of land commissioners of the state of Montana is hereby authorized to accept on behalf of the state of Montana title in fee simple to any land owned by a county in the state of Montana and to convey in exchange therefor state-owned land of approximately the same area and of a value not higher than the land received from the county whenever such exchange will result in consolidating the state-owned lands into more compact bodies.

Validation of prior actions.

All contracts and agreements heretofore entered into between the state board of land commissioners and the United States, or any department thereof, waiving and relinquishing the rights of the state of Montana to sections sixteen (16) and thirty-six (36) in any township in this state, and the selection of lands in lieu or [of] those so relinquished by the state are hereby ratified, confirmed and validated. *The current user of the land transferred to the United States will continue to enjoy such use of such terms and conditions as may be required by the federal government and in accordance with the Multiple Use Act and the current user on the land received from the United States will continue to utilize the land on the terms and conditions imposed by law or the state board of land commissioners.*"

Approved: February 16, 1967.

CHAPTER 40

An Act Amending Sections 41-1302 and 41-1303, R.C.M. 1947, Relating to Time for Payment of Wages; Authorizing the Commissioner of Labor to Investigate Violations; and Authorizing Said Commissioner to Accept Assignments of Wage Claims and Institute Proceedings to Enforce Such Claims.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 41-1302 of the Revised Codes of Montana, 1947, is hereby amended to read as follows:

Penalty for failure to pay wages.

"41-1302. **Penalty for failure to pay** *wages* **at times specified in law.** *Any* employer, as such employer is defined in this act, *who* fails to pay any of his employees, as provided in the preceding *or following* sections, *or violates any other provision of this act,* shall be guilty of a misdemeanor. *A penalty shall also be assessed against and paid by such employer and become due such employee as follows:*

Amount of penalty.

A sum equivalent to the fixed amount of five (5%) percent of the wages due and unpaid, shall be assessed for each day, except Sundays and legal holidays, upon which such failure continues after the day upon which such wages were due, except that such failure shall not be deemed to continue more than twenty (20) days after the date such wages were due.

Commissioner of labor—duty.

It shall be the duty of the commissioner of labor to inquire diligently for any violations of this act, and to institute actions for the *collection of unpaid wages and for the* penalties provided for herein, in such cases as he may deem proper, and to enforce generally the provisions of this act.

Authority of county attorney.

Nothing herein contained shall be construed to limit the authority of the county attorney of any county of the state of Montana to prosecute actions, both civil and criminal, for such violations of this act as may come to his knowledge, or to enforce the provisions hereof independently and without specific direction of the commissioner of labor."

Amending clause.

Section 2. Section 41-1303, R.C.M. 1947, is amended to read as follows:

Employees separated from employment before payday.

"41-1303. *Employees separated from employment before payday*—**wages, when payable.** Whenever any employee is *separated* from the employ of any such employer, then all the unpaid wages of such employee shall become due and payable *within three (3) days, either through the regular pay channels or by mail if requested by the employee; provided however, that where an employer's payroll checks originate at an office outside the state of Montana the time provided herein for payment of wages shall be extended for three (3) additional days.*

Enforcement.

Section 3. **Enforcement.** The commissioner or his authorized representatives are empowered to enter and inspect such places, question such employees, and investigate such facts, conditions, or matters as they may deem appropriate, to determine whether any person has violated any provision of this act or any rule or regulation issued hereunder or which may aid in the enforcement of the provisions of this act.

Power of commissioner.

The commissioner or his authorized representatives shall have power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceeding before the commissioner.

Authority to take wage assignments.

Section 4. **Authority to take wage assignments.** Whenever the commissioner determines that one or more employees have claims for unpaid wages, he shall, upon the written request of the employee, take an assignment of the claim in trust for such employee, and may maintain any proceeding appropriate to enforce the claim, including liquidated damages pursuant to this act. With the written consent of the assignor, the commissioner may settle or adjust any claim assigned pursuant to this section.

Judgment for plaintiff.

Any judgment for the plaintiff in a proceeding pursuant to this act shall include all costs reasonably incurred in connection with the proceeding, including attorneys' fees. If the proceeding is maintained by the commissioner, no court costs or fees shall be required of him, nor shall he be required to furnish any bond or other security that might otherwise be required in connection with any phase of the proceeding.

Rules and regulations.

The commissioner is authorized to issue, amend, and enforce rules and regulations for the purpose of carrying out the provisions of the act.

Approved: February 16, 1967.

CHAPTER 41

An Act to Amend Section 53-106, R.C.M. 1947, Relating to Number Plates; Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 53-106, R.C.M. 1947, is amended to read as follows: Amending clause.

"53-106. **Number plates.** (1) Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the registrar of motor vehicles. Such number plate shall be in eight series: one series for owners of motor cars, one for owners of motor vehicles of the motorcycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle type, one for franchised dealers in new motor cars (including trucks and trailers) or new and used motor cars (including trucks and trailers) which shall bear the distinctive letter "D" or the (word) "DEALER," one for dealers in used motor cars only (including used trucks and trailers) which shall bear the distinctive letters "UD" or the letter "U" and the word "DEALER," and one for dealers in trailers and/or semi-trailers (new or used) which shall bear the distinctive letters "DTR" or the letters "TR" and the word "DEALER," and all such markings for the aforementioned kinds of dealers' plates shall be placed on the number plates assigned thereto in such position thereon as the registrar may designate. All number plates for motor vehicles shall be *issued every other year,* shall bear a distinctive marking, and shall be furnished by the state. *In alternate years the registrar shall provide non-removable stickers bearing appropriate registration numbers which shall be affixed to the license plates in use.*

Number plates.

Series.

Markings.

Issuance.

Stickers.

(2) In the case of motor cars, number plates shall be of metal six inches wide and twelve inches in length, the outline of the state of Montana shall be used as a distinctive border on such license plates, and the word "Montana" with the year shall be placed across the bottom of the plate. Such registration plate shall be treated with a reflectorized background material according to specifications prescribed by the registrar. An additional fee of fifty (50) cents per year for each registration of a vehicle shall be added to the registration fee. Revenue from this fee shall be forwarded by the respective county treasurers to the state treasurer for deposit in the *motor vehicle recording account of the earmarked revenue fund. Disbursements from the motor vehicle recording account shall*

Plate specifications.

Additional fee—disbursement.